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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Policies and Rules Implementing
the Telephone Disclosure and
Dispute Resolution Act

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CC Docket No. 93-22

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**REPLY COMMENTS OF THE
AMERICAN PUBLIC COMMUNICATIONS COUNCIL**

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Communications Council

October 31, 1994

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The American Public Communications Council ("APCC") submits the following reply comments in response to the Commission's Order on Reconsideration and Further Notice of Proposed Rule Making ("Notice") in these proceedings, released August 31, 1994.

**I. TARIFFED INFORMATION SERVICES AND DIRECTORY ASSISTANCE
CALLS ARE AND SHOULD BE SUBJECT TO THE COMMISSION'S RULES**

MCI states its view that its new 1-800-CALL-INFO service, a nationwide directory assistance service, "clearly would not be subject to the proposed rules" because it is a tariffed service. MCI at 5. Since filing its comments in this proceeding, APCC has received numerous inquiries from its members about this new MCI service. APCC wishes to make clear its position that, contrary to MCI's position, direct billing for 1-800-CALL-INFO and similar services is and should be prohibited by the Commission's rules.

Section 64.1504(c) of the rules, both as it exists today and as it would be amended under the Commission's proposal, requires carriers to prohibit charging "for information conveyed during" an

800 number call, except pursuant to a presubscription or comparable arrangement. 47 CFR § 64.1504(c). The applicability of this provision is not limited to "pay-per-call" services, and it does not provide any exemption for tariffed services or directory assistance services. This provision does not allow direct billing of callers or originating line subscribers for a directory assistance service such as 1-800-CALL-INFO, any more than it allows direct billing for other information-conveying services accessed via 800 numbers or toll-free numbers.

Further, it would not be appropriate for the Commission to allow direct billing for tariffed services and/or directory assistance services which are accessed via 800 numbers. The same kinds of problems can arise for tariffed or directory assistance services as for other information services. Indeed, there is potential for improper billing even if the service is offered by an otherwise reputable company. Since the inception of 1-800-CALL-INFO, APCC has had numerous inquiries from independent public payphone ("IPP") companies concerned about the manner in which such calls are handled and the potential for being direct-billed for 1-800-CALL-INFO. While MCI has represented that there will be no direct billing of any line subscribed to billed number screening service, it remains to be seen whether billed number screening alone will be fully effective in preventing payphone providers from being improperly billed for calls.¹ Further, if direct billing of

¹ Charges incurred from 1-800-CALL-INFO can be substantial. International directory assistance inquiries are priced at several dollars each. Further, the call completion feature of the service

1-800-CALL-INFO is allowed, another loophole will have been created for other companies, including the same companies that have been blatantly abusing consumers and payphone providers to continue their abuses under the guise of "tariffed" and "directory assistance" services. These companies have already demonstrated their willingness to disregard the kinds of screening safeguards relied upon by IPP providers.

APCC does not doubt that services such as 1-800-CALL-INFO can offer significant benefits to the public. However, those benefits can be equally well obtained by offering the service by means of access numbers which are not widely regarded as toll-free.

In the event that the Commission decides to allow direct billing of tariffed or directory assistance services accessed by means of 800 numbers, it will be even more important for the Commission to adopt APCC's proposed requirement that companies submitting bills to local exchange carriers ("LECs") must certify that all billing is consistent with billing and screening restrictions associated with the line. APCC at 4-5. Otherwise, IPP providers and others will be without any effective protection against fraudulent use of these types of services.²

enables the number to be used to place long-duration international calls. When such calls are repeatedly made through fraudulent means, the payphone provider's bill can run into thousands of dollars.

² As the Commission has noted, IPP providers and other "aggregators" are required to allow many types of 800 calls, and it is impractical to selectively block only those 800 numbers associated with abusive service providers.

II. THE COMMISSION'S PROPOSED REQUIREMENT FOR A WRITTEN PRESUBSCRIPTION AGREEMENT SHOULD NOT BE NARROWED

A number of parties raise concerns about the Commission's proposal to require a written agreement prior to billing for information services pursuant to a "presubscription" arrangement. Some parties urge the Commission to expand the exception to this proposed requirement to include telephone company calling cards which are subject to the Truth and Lending Act and Fair Credit Billing Act. Such telephone company calling cards could then be used to bill information services accessed via 800 numbers even if there were no written presubscription agreement. APCC believes such an expansion of the exemption would result in further disputes over whether a dial-a-porn provider's "instant" calling card was or was not subject to the Truth and Lending Act and Fair Credit Billing Act. Therefore, APCC opposes such a change in the Commission's proposal.

In the event that such a change is adopted, again, it is paramount for the Commission to adopt APCC's proposal that parties submitting bills to LECs certify compliance with all billing and screening restrictions associated with the line. APCC at 4-5. Otherwise, there will be no effective remedy for the abuses that plague IPP providers at present.

III. THE FCC MUST ADDRESS ABUSES OF 10XXX NUMBERS

Several parties join APCC in urging the Commission to address emerging abuses of 10XXX numbers. See, e.g., Comments of Bell Atlantic; National Association of Consumer Agency Administrators;

and the National Association of Attorneys General Telecommunications Subcommittee. See also Reply Comments of Interactive Services Association. Therefore, APCC urges the Commission to amend its rules to ensure that the restrictions that apply to 800 numbers also apply to the use of 10XXX numbers.³

Again, as discussed above, the Commission should also amend its rules to require certification regarding billing and screening restrictions prior to submission of bills to LECs.

IV. THE COMMISSION MUST VIGILANTLY ENSURE THAT CARRIERS ENFORCE THEIR TARIFF PROHIBITIONS PURSUANT TO SECTION 64.1504

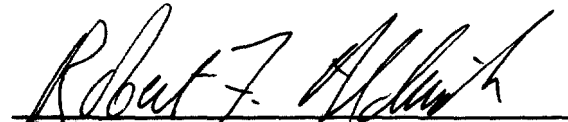
Finally, APCC wishes to call the Commission's attention to the fact that dial-a-porn providers, even when effectively prevented from billing their services on LEC telephone bills, continue to attempt to abuse consumers and IPP providers by enlisting the services of collection agencies to collect patently invalid charges for illegally billed dial-a-porn calls. Attached is a sample of bills received by IPP providers from collection agencies. Even though these bills do not pose the same problems as charges appearing on LEC bills, they can be intimidating to the recipient, can result in losses through inadvertent payment, and, at a minimum, impose a major administrative burden and expense.

Section 64.1504 of the Commission's rules, both existing and as proposed, requires carriers that provide transmission services

³ To the extent ANI is available with 950-XXXX, the rules should cover 950-XXXX dialing.

for information providers and others to prohibit in their tariffs the abuses described in that section. The Commission should take affirmative steps to ensure that carriers are enforcing their tariff restrictions against all noncompliant information providers, including those that bill through collection agencies.

Respectfully submitted,



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ATTACHMENT A



Page 1

PEOPLES TELEPHONE
Customer Number: 8940900256
Invoice Number: 199409000512
Bill Date: Sep 30, 1994

For billing inquiries, call 1-800-925-0033

PREVIOUS BALANCE	PAYMENTS	ADJUSTMENTS	NEW CHARGES	TOTAL DUE
\$.00	\$.00	\$.00	\$198.00	\$198.00

These calls have not been sent to your local phone company, Visa*, Mastercard*, American Express*, or any other source for billing.

DETAIL OF CHARGES

DATE	TIME	AUTHORIZATION NUMBER	FROM NUMBER	TO NUMBER	MIN.	AMOUNT
09/04/94	05:04AM	4421530127301	317-662-0132	800-838-2587	20.0	\$99.00
09/05/94	04:56AM	4421530127301	317-662-0132	800-838-2587	20.0	\$99.00

Please write your CUSTOMER number on your check. Please do NOT send cash

RETAIN THIS PORTION FOR YOUR RECORDS

PROTECT YOUR CREDIT BY PAYING PROMPTLY

PLEASE FOLD, TEAR HERE, AND RETURN THIS PORTION WITH YOUR PAYMENT

Please make check payable to American Billing & Collection, Inc. Payment due upon receipt.

PAYMENT METHOD: Check ☐ Visa ☐ Mastercard ☐ Exp. Date _____
Card No. _____
SIGNATURE _____
By paying this bill I certify that I am 18 years of age. My signature above authorizes future transactions to be charged directly to the credit card indicated above.

Customer: 8940900256
Invoice: 199409000512
Bill Date: Sep 30, 1994

\$15.00 Return Check Fee

PREVIOUS BAL. \$.00 PAYMENTS \$.00
ADJUSTMENTS \$.00 NEW CHARGES \$198.00

TOTAL DUE \$198.00

AMERICAN BILLING
& COLLECTION, INC.
8424-A SANTA MONICA BLVD.
STE 823
WEST HOLLYWOOD, CA 90069

**CR 63

PEOPLES TELEPHONE
SPDWY STARVN-#7555
2300 NW 89TH PL
MIAMI FL 33172-2431

X CP 00047

cc: AL
Kramer
-FYI



Page 1


PTC INC
Customer Number: 8940803924
Invoice Number: 199408004942
Bill Date: Sep 16, 1994

For billing inquiries, call 1-800-925-0033

PREVIOUS BALANCE	PAYMENTS	ADJUSTMENTS	NEW CHARGES	TOTAL DUE
\$.00	\$.00	\$.00	\$99.00	\$99.00

These calls have not been sent to your local phone company, Visa*, Mastercard*, American Express*, or any other source for billing.

DETAIL OF CHARGES

DATE	TIME	AUTHORIZATION NUMBER	FROM NUMBER	TO NUMBER	MIN	AMOUNT
08/11/94	06:23PM	4442960120764801	914-298-9743	800-285-6749	20.0	\$99.00
 <i>Pay Telephone</i>						

Please write your CUSTOMER number on your check. Please do NOT send cash

RETAIN THIS PORTION FOR YOUR RECORDS

PROTECT YOUR CREDIT BY PAYING PROMPTLY

PLEASE FOLD, TEAR HERE, AND RETURN THIS PORTION WITH YOUR PAYMENT

Please make check payable to American Billing & Collection, Inc. Payment due upon receipt.

PAYMENT METHOD: Check ☐ Visa ☐ Mastercard ☐ Exp. Date _____
Card No. _____
SIGNATURE _____
By paying this bill I certify that I am 18 years of age. My signature above authorizes future transactions to be charged directly to the credit card indicated above.

Customer: 8940803924
Invoice: 199408004942
Bill Date: Sep 16, 1994

\$15.00 Return Check Fee

PREVIOUS BAL. \$.00 PAYMENTS \$.00
ADJUSTMENTS \$.00 NEW CHARGES \$99.00

TOTAL DUE \$99.00

AMERICAN BILLING
& COLLECTION, INC.
8424-A SANTA MONICA BLVD.
STE 823
WEST HOLLYWOOD, CA 90069



PTC INC
2300 NW 89TH PL
MIAMI FL 33172-2431

X FN 00384



INTERACTIVE BILLING SYSTEMS™
PO BOX 7869
SAN FRANCISCO CA 94120-7869

INVOICE DATE	ACCOUNT NUMBER
09-21-94	09-813-979-2115

PREVIOUS BALANCE \$.00
PAYMENTS \$.00
ADJUSTMENTS \$.00

BILL TO:

NEW TOLLS \$82.58
TOTAL \$82.58

|||||
SAVE N PACK
PEOPLES TELEPHONE COMPANY
2300 NW 89TH PLACE
MIAMI FL 33172-2405

The calls detailed below were to originally have been billed to your credit card. However, due to credit card volume restrictions in effect at the time of the call your credit card was not able to be billed. This invoice has been generated in lieu of billing the calls to your credit card. This invoice is due and payable at this time.

We appreciate your business and thank you for calling.

DATE	TIME	SERVICE USED	NUMBER	MIN.	AMOUNT
07/09/94	01:08 PM	NA	8007557825	8.0	\$25.86
08/14/94	11:22 AM		8007557825	7.0	\$22.88
08/27/94	05:32 PM		8007557825	3.0	\$10.96
09/02/94	03:34 PM		8007557825	7.0	\$22.88

PROTECT YOUR CREDIT BY PAYING PROMPTLY
\$15.00 CHARGE FOR RETURNED CHECKS
BILLING INQUIRIES CALL 1-800-729-2800

SUB TOTAL	\$82.58
PAYMENT DUE	\$82.58

DETACH HERE

SAVE N PACK
PEOPLES TELEPHONE COMPANY
2300 NW 89TH PLACE
MIAMI FL 33172-2405

DUE DATE: 09-26-94

** PLEASE MAIL THIS SECTION WITH YOUR PAYMENT

PAYMENT METHOD: ☐ CHECK ☐ VISA ☐ MASTERCARD

Card No. _____ Exp. Date: _____

SIGNATURE _____

By paying this bill I certify that I am 18 years of age.

|||||
INTERACTIVE BILLING SYSTEMS
PO BOX 7869
SAN FRANCISCO CA 94120-7869

INVOICE DATE	ACCOUNT NUMBER
09-21-94	09-813-979-211

PAYMENT DUE ► \$82.5

▼ AMOUNT ENCLOSED ▼

09813979211500000000008258000082582

CREDIT BUREAU SERVICES
3300 MONROE AVE SUITE 303
ROCHESTER NY 14618

10/03/94

08362149-4-41
PEOPLES TELEPHONE CO INC
2300 NW 89TH PL

RE YOUR ACCOUNT WITH OUR CLIENT:
CALL PROCESSING SYSTEMS
ACCT#: 723 1376

MIAMI, FL 331720000

FOR: 971-1600

PRINCIPAL \$825.00

TOTAL DUE \$825.00

*****IMPORTANT*****COLLECTION NOTICE*****

CALL PROCESSING SYSTEMS HAS PLACED THIS ACCOUNT WITH CREDIT BUREAU
AFFILIATES FOR COLLECTION AND PAYMENT IN FULL MUST BE MADE! THE CH
FOR 971 TELEPHONE CALLS - NOT 900 CALLS - TO "LIVE WIRE," "THE CONF
DATE LINE," AND/OR "TALK SALAD." THE ENCLOSED DISCLOSURE DOES NOT
TO 971 CALLS. CPS ALLOWED YOU TO UTILIZE THEIR PAY-PER-CALL SERVICE.
PAYMENT IN FULL IS NOW REQUIRED. FAILURE TO RESOLVE
THIS DEBT MAY RESULT IN THIS DEBT APPEARING ON YOUR NATIONAL CREDIT

This is an attempt to collect a debt.
Any information obtained will be
used for that purpose.

MR EWING (716) 383 8202
TEL. (716) 383-8079 or (800) 458-9840

IMPORTANT

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

08362149-4-41

PO Box 391
Geneva, NY. 14456

PLEASE FORWARD

10/03/94
CALL PROCESSING SYSTEMS
ACCT#: 723 1376

TOTAL DUE \$825.00

CREDIT BUREAU AFFILIATES
CREDIT BUREAU SERVICES
3300 MONROE AVE SUITE 303
ROCHESTER NY 14618

PEOPLES TELEPHONE CO INC
2300 NW 89TH PL
MIAMI, FL 331720000